



W.P.No.38964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 38964 of 2024

&

W.M.P. No.42200 of 2024

A.Arumugam

...Petitioner

Vs.

1.The District Collector
Namakkal District,
Tamil Nadu 637001.

2.The District Revenue Officer
Namakkal District,
Tamil Nadu 637001.

3.The Tahsildar
Senthamangalam Taluk,
Tamil Nadu 637409.

4.The Revenue Inspector
Alanganatham,
Tamil Nadu 637013

...Respondent



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant patta in the name of the petitioner by rectifying the defect in UDR by considering the petitioner's representation dated 10.10.2023 within the time stipulated by this Court and consequently forbear the respondents 1 to 4 from taking any coercive action against the said petitioner's property comprised in old survey no. 18, new survey no. 466/39 Palapatti Village, Sendamangalam Taluk, Namakkal District, till the disposal of petitioner's representation dated 10.10.2023 by the respondent.

For Petitioners : Mr. M.A.Arshad

For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To direct the respondents 1 to 4 to grant patta in the name of the petitioner by rectifying the defect in UDR by considering the petitioner's representation dated 10.10.2023 within the time stipulated by this Court and



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consequently forbear the respondents 1 to 4 from taking any coercive action against the said petitioner's property comprised in old survey no. 18, new survey no. 466/39 Palapatti Village, Sendamangalam Taluk, Namakkal District, till the disposal of petitioner's representation dated 10.10.2023 by the respondent.

2. It is the case of the petitioner that his grand mother, Malayalammal, was the absolute owner of the property comprised in S.No.18, Erumapatti, Palapatti Taluk, Namakkal District, by virtue of a registered sale deed dated 03.09.1928. His grand mother passed away on 07.05.1968 and his later father, Avinasi, was in possession and enjoyment of the same, since then. The said Avinasi had put up small dwelling house at one portion of that land. The said dwelling house was assigned Door No.3/95 and a patta was issued in patta No.121 on 30.04.1993. After his death on 20.02.2006, by virtue of a family arrangement between the petitioner, petitioner's mother and his siblings the subject property was allotted to the share of the petitioner in the year 2012, from which date, he has been in possession and enjoyment



of the same. Therefore, for the past 96 years the petitioner's family has been in possession without any let or hindrance.

3. The petitioner would submit that a member of a particular community had requested permission to put up a small stone shrine in the subject property for clan worship. The petitioner's ancestor had also permitted them to put up a small stone shrine. As years have rolled on, small stone shrine has turned into a private temple.

4. In the year 2023, the administrators of the temple obstructed the pathway to the petitioner's land. During enquiry it was revealed that during UDR, the petitioner's father was issued patta in respect of new S.No.466/38 in which the dwelling house was situate and the other properties in S.No.466/39 are re-classified as Government Poramboke. The petitioner had made several representations to the respondents 3 and 4 to rectify the error.



5. However, there is no response and he made a representation to the 2nd respondent. Since the said application has not been considered and orders passed, the petitioner is before this Court.

6. Considering the limited request of the petitioner for disposing of his representation and as there is no serious objection to the same, a direction is issued to the respondents to grant patta in the name of the petitioner by rectifying the defect in UDR by considering the petitioner's representation dated 10.10.2023. In case of a rejection, a speaking orders shall be passed. The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

20.12.2024

Index : Yes/No
Internet : Yes/No
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To

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